

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO MAKE APPLICABLE STATE LAW PROVISIONS TO RECALL POPULARLY ELECTED OFFICIALS OF THE CITY OF CHATTANOOGA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That the present Charter of the City of Chattanooga, and all Acts and Ordinances amendatory thereof, be and is hereby further amended as follows:

That Section 3.18 of the Charter adopted by vote of the electorate as Ordinance No. 9435, adopted August 21, 1990, which currently states:

CHAPTER II. RECALL

Sec. 3.18. Authorized; procedure.

The mayor, the city judges, and the members of the city council of the City of Chattanooga elected or appointed under this Charter may be removed from office by the qualified voters of said city. The procedure to effect such removal shall be as follows:

In the case of an official elected at large, a petition signed by qualified voters equal in number to at least fifty per centum (50%) of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the commissioners of election of Hamilton County, which petition shall contain a general statement of the grounds for which the removal is sought. In the case of an official elected by

district, the petition must be signed by qualified voters equal in number to at least fifty per centum (50%) of the entire vote for all candidates for the office of mayor cast in that district at the last preceding general municipal election. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the ward, street, and number, or the location of his real estate, if entitled to vote by reason of property qualifications. Within fifteen (15) days from the date of filing such petition, said board of election commissioners shall examine the same and ascertain whether it be signed by the required number of persons and whether such persons are qualified voters as shown by the registration books, and they shall attach to said petition their certificate showing the result of such examination. If by the said certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The board of election commissioners shall, within fifteen (15) days after such amendment, make like examination of the amended petition; and if their certificate shall show the same to be insufficient, it shall be returned to the person filing same, without prejudice, however, to the filing of a new petition to the same effect. If by their certificate the petition is shown to be sufficient, the said board of election commissioners shall at once order and fix a date for holding said election not less than thirty (30) days nor more than sixty (60) days from the date of their certificate showing that a sufficient petition is filed. The commissioners of election shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, and the expenses thereof paid in all respects as are other city elections, except that a primary election shall not be required for the nomination of candidates at such removal election.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he request otherwise in writing the said commissioners of election shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall therefrom be deemed removed from office upon qualification of his successors. In case the party who receives the highest number of votes shall fail to qualify within ten (10) days after receiving notification of election, the office shall be

deemed vacant. The said method of removal shall be cumulative and additional to the method heretofore existing by law.

shall be amended by deleting the language in Section 3.18 in its entirety and inserting in lieu thereof the appropriately designated sections:

The mayor, the city judges, and the members of the city council of the City of Chattanooga elected or appointed under this Charter may be removed from office by the qualified voters of said city. The procedure to effect such removal shall be as follows:

The Mayor or a City Judge may be recalled if a petition signed by at least fifteen percent (15%), or as set forth in Tennessee law, of those registered to vote in the City of Chattanooga's corporate limits. A member of the City Council may be recalled if a petition is signed by at least fifteen percent (15%), or as set forth in Tennessee law, of those registered to vote in council district within the City of Chattanooga's corporate limits. The provisions of Tennessee state law governing recall and petitions for recall as codified in T.C.A. § 2-5-151, or as amended, shall apply to and be in force as to the Mayor, City Court Judge and City Council members. The successor of any officer so removed shall hold office during the unexpired term of his predecessor.

FOR THE AMENDMENT { }

AGAINST THE AMENDMENT { }

SECTION 2. BE IT FURTHER ORDAINED, That all laws constituting the present Charter of the City of Chattanooga, not in conflict with this amendatory home rule ordinance, be and the same are continued in full force and effect, and all laws or parts of laws in conflict therewith are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section, or part of this ordinance shall be held to be unconstitutional or void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have

passed the remainder of this Ordinance notwithstanding such part, if any, as may be held to be invalid.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall be published in full by the Clerk of the City Council in the daily newspaper in the City of Chattanooga after the passage thereof on second and final reading.

SECTION 5. BE IT FURTHER ORDAINED, That the Clerk of the City Council shall certify the passage of this Ordinance to the Hamilton County Election Commission and request that the proposed amendment to the home rule Charter of the City of Chattanooga, Tennessee, be placed on the ballot to be used in the general state election to be held on or about November 6, 2012.

SECTION 6. BE IT FURTHER ORDAINED, That the City Finance Officer is authorized and directed to pay the *pro rata* cost of this special City election.

SECTION 7. BE IT FURTHER ORDAINED, That the Hamilton County Election Commission shall certify to the Clerk of the City Council of the City of Chattanooga, Tennessee, the result of said election, and the said Clerk shall cause said certification to be made a part of the minutes of the City Council.

SECTION 8. BE IT FURTHER ORDAINED, That Section 1 of this Ordinance shall take effect sixty (60) days after its approval by a majority of the qualified voters of the City voting thereon, as provided by Article XI, Section 9, Constitution of Tennessee, the public welfare requiring it.

SECTION 9. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, except for Section 1, immediately upon its passage.

PASSED on Second and Final Reading

_____, 2012 _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012

S/ _____

MAYOR

KOF/mms